UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 11

American Red Cross, Carolinas Blood Services Region Employer¹

and

Case 11-RC-6741

Teamsters Local Union #391, affiliated with International Brotherhood of Teamsters

Petitioner²

REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION

American Red Cross, Carolinas Blood Services Region (the Employer), collects, processes, and distributes blood and blood products. Teamsters Local Union #391, affiliated with International Brotherhood of Teamsters (the Petitioner), filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a bargaining unit consisting of all full time and regular part-time collection specialists I and II, collection technicians I and II, mobile unit assistants I, II and III, mobile unit supply clerk, and other appropriate employees for the blood collection operations department of the Wilmington, North Carolina service area, of the Employer, excluding nurses,³ administrative assistants II and III, training specialist, collection manager, collection operations supervisor, mobile unit supervisor, scheduler and scheduling supervisor, team supervisor, compliance manager, office clerical and professional employees and supervisors as defined by the Act.

² The Petitioner's name appears as amended at hearing.

¹ The Employer's name appears as amended at hearing.

³ The parties clarified at the hearing that persons in unit positions but with a nursing degree are not excluded; rather persons employed as nurses would be excluded.

At the hearing, the Petitioner amended its petition to delete the following language "and all other appropriate employees." The Petitioner further amended its petition to include assistant team supervisors, hospital services inventory assistants, and to add collection technicians III, IV, and V. The parties stipulated that the classification of on-the-job instructor should also be included in the unit. The parties further stipulated that the unit should exclude administrative assistants I, II, and III, an associate problem investigator, and guards.

Following a hearing before a hearing officer, the parties filed briefs with me.

As evidenced at the hearing and in the briefs, the parties disagree on two issues: (1) whether employees at the Wilmington, North Carolina center constitute an appropriate unit, or whether the appropriate unit must include the Wilmington and Durham, North Carolina centers; and (2) whether the position of hospital service inventory assistant should be included or excluded from the unit.

In regard to the scope of the unit, the Petitioner seeks a unit consisiting of only blood service employees employed at the Wilmington center. The Employer urges that an appropriate unit must include similar employees employed at its Durham location. With respect to the unit composition issue, the Petitioner seeks to include the position of hospital services inventory assistant, whereas the Employer asserts that that classification should be excluded from the bargaining unit.⁴

⁴ The parties further stipulated that the following individuals possess and exercise one or more of the enumerated Section 2(11) authorities and are supervisors within the meaning of the Act, and should be excluded from any bargaining unit found appropriate: Carolyne Williams, collection manager; Peggy Huffman, collection operations supervisor; Diana Laing, collection operations supervisor; Connie Scott, hospital services supervisor; John Caldwell, mobile unit supervisor; Cheryl Lanouette, scheduler; Annette Cole, team supervisor; Phyllis Woodcock, team supervisor; Harriet Pegram, team supervisor; Jeffrey Glenn, team supervisor; Elizabeth Miller, team supervisor; Barry Hooker, donor resources; and Sharon Blake, general services.

The unit sought by the Petitioner includes approximately 42 employees, and the expanded unit proposed by the Employer consists of approximately 140 employees. The Petitioner stated during the hearing that it would be willing to proceed in an election in any unit found appropriate. There is no history of collective bargaining for the Employer at this location.

I have considered the evidence adduced during the hearing and the arguments advanced by the parties on the issues. As discussed below, I have concluded that a single-facility unit consisting of the Wilmington center employees as sought by the Petitioner, comprises an appropriate bargaining unit. In that regard, I am not persuaded by the Employer's arguments supporting an expanded unit. I have further found that the classification of hospital service inventory assistant is appropriately included in the bargaining unit.

To provide a context for my discussion of the issues and my conclusions, I will first provide a brief overview of the Employer's operations. Second, in regard to the unit scope issue, I will set forth the applicable legal standard, and provide my analysis to support my determination that the petitioned-for single location unit is appropriate. Third, with respect to the unit composition issue, I will provide my analysis and findings supporting my conclusion that the unit may appropriately include the position of hospital service inventory assistant.

I. Overview of the Employer's Operations

The Employer is a nonprofit organization chartered by Congress, and is part of the Biomedical Services Division of the American Red Cross, based in Washington, DC.

The Employer's Region covers almost the entire state of North Carolina, part of South

Carolina, and a small portion of Georgia. The Employer collects, processes, and distributes blood and blood products throughout its Region. The Employer maintains five service centers in the Carolinas Blood Region: Charlotte, Asheville, Winston-Salem, Durham, and Wilmington, North Carolina. Collection staff at each of those locations collect blood through bloodmobile drives and at fixed sites and return the blood products to the locations for distribution.

At the Wilmington location, the collection staff reports to their assigned team supervisor, who in turn, reports to the collection operations supervisors. There are five team supervisors reporting to two collection supervisors, who in turn report to Carolyne Williams, the collection manager and the highest-ranking official at the Employer's Wilmington center. There is also one mobile unit supervisor who reports to Williams. Williams reports to the interim director of collections, Judy Martin, who is based in Charlotte, at the Employer's regional headquarters. The two hospital services inventory assistants report to hospital services supervisor Connie Scott, who reports to Amanda Harsar in Charlotte.

The Wilmington location maintains one fixed-site donation facility located at 1102 South 16th Street, at which donors may donate blood. The Wilmington center also conducts blood collection operations from mobile units at various locations throughout its territory. The mobile blood collection process typically begins with employees in the donor resource department contacting churches, schools, and other organizations to schedule blood drives. The scheduler then assigns blood collection staff to specific drives to collect blood, whereupon the blood collection staff then goes to the specific location to conduct the blood drive. Wilmington typically collects approximately 40,000

units of blood on an annual basis and conducts an average of 4 blood drives per weekday, and one drive per each weekend day.

After the blood is collected through a blood drive or at its fixed site, the blood is packaged and sent to processing centers in Charlotte, North Carolina, and Columbia, South Carolina. Thereafter, blood and blood products are distributed to different centers, including Wilmington, for distribution to various hospitals.

II. A single-facility unit of employees at the Wilmington location constitutes an appropriate unit

As shown, the Carolinas Blood Services Region encompasses five service areas:

Charlotte, Asheville, Winston-Salem, Durham, and Wilmington. The Petitioner seeks to represent only employees employed at the Employer's Wilmington center. The Employer argues that the only appropriate unit must include employees at the Wilmington and Durham locations.

A. Applicable Principles

The Board's procedure for determining an appropriate unit under Section 9(b) is to begin by examining the petitioned-for unit. If that unit is deemed to be appropriate, the inquiry ends. However, if the petitioned-for unit is not appropriate, the Board may then examine alternative units proposed by the parties, and also has the discretion to select an appropriate unit that is different from what the parties contend is appropriate. See *Overnite Transportation Co.*, 331 NLRB 662, 663 (2000).

In determining an appropriate unit, the unit need only be *an* appropriate unit, not the *most* appropriate unit. *Bartlett Collins Co.*, 334 NLRB 484, 484 (2001) (emphasis added). The Board normally "attempts to select a unit that is the 'smallest appropriate unit' encompassing the petitioned-for employee classifications." *Overnite*, 331 NLRB at

663. The petitioner's desire concerning the unit is a relevant consideration, but is not dispositive. *Florida Casino Cruises, Inc.*. 322 NLRB 857, 858 (1997).

When an employer's business includes more than one facility, the Board has long been guided by its rule that a single-facility unit is "presumptively appropriate" for collective bargaining "unless it has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity." *Trane*, 339 NLRB 866, 867 (2003). Furthermore, when, as here, a union seeks a presumptively appropriate unit such as single-facility unit, the party seeking a multifacility unit bears a heavy burden to rebut that presumption. *Id.* The single-facility presumption may be rebutted only under certain circumstances in which a combination of the following community-of-interest factors are present:

- 1. central control over daily operations and labor relations, including the extent of local autonomy;
- 2. similarity of employee skills, functions, and working conditions;
- 3. the degree of employee interchange;
- 4. the distance between locations; and
- 5. bargaining history, if any exists.

Id.

B. Analysis of single-facility issue

The Employer's facilities in Wilmington and Durham, as well as the Employer's other three locations in the Carolinas Region, operate in essentially the same fashion.⁵

Although Wilmington has one fixed site, Durham has three fixed sites with one each in Durham, Raleigh, and Cary. Wilmington's territory covers 13 counties in southeastern North Carolina; the record did not disclose the specific areas covered by the Durham center.

⁵ There is one job classification in Durham—a mobile unit technician—which is not included at the Wilmington center.

The Employer primarily relies upon the centralized control of certain management functions, effected by its Charlotte office, to counter the presumptive appropriateness of a single-facility unit at the Wilmington location. Thus, the Employer asserts that wages, working conditions, benefits, job descriptions, pay scales, and all other terms and conditions of employment are centrally administered and are the same for employees at both locations. The Employer also asserts that there is centralized new hire training, and a common personnel manual. Finally, the Employer contends that the Wilmington and Durham locations share common supervision, particularly with respect to Human Resources.

In regard to its argument concerning centralized control of labor relations, the Employer's argument is unpersuasive on two grounds. First, despite centralization of many labor relations functions, the record demonstrates local autonomy in several respects. For example, although the Employer maintains a centralized location in Charlotte for personnel and payroll files, Wilmington and Durham also maintain their own copies of personnel and payroll files at their separate locations. Similarly, purchasing records are maintained both locally and regionally. In regard to training, the record establishes that new employees from all five centers participate in general orientation training in Charlotte. Other on-the-job training occurs independently at each location. Thus, there is no training exclusive to the Wilmington and Durham centers. Second, the Employer's argument ignores that all five of the service areas in the Carolinas Region share common terms and conditions of employment—essentially nothing sets apart the Wilmington and Durham locations from the other three regional centers.

For the same reason, the Employer's contention that there is common supervision, particularly in regard to Human Resources, is not persuasive. In that regard, the CEO and 16 senior managers subordinate to the CEO, as well as the Human Resources Director, are all located at the Employer's Charlotte regional headquarters. Contrary to the Employer's contention, each of the five centers is separately supervised by collection managers and collection operation supervisors, and the record reflects that substantial autonomy is vested in each center. Thus, the record demonstrates that, in addition to being responsible for the day-to-day operations at their centers, collection managers are responsible for interviewing, hiring, and promotions, all of which are handled at the local level. In addition, the collection manager, along with two Regional personnel—the director of collections and human resources director—collectively make decisions regarding terminations.

In sum, centralization of labor relations and common management at the regional level are insufficient to rebut the single-facility presumption. Thus, as here, when the petitioned-for location retains sufficient local autonomy, the single-facility presumption has not been rebutted. See *Bowie Hall* Trucking, 290 NLRB 41, 42-43 (1988) (sufficient local autonomy found where terminal manager conducted initial screening of new hires and was consulted on major disciplinary issues); *New Britain Transportation Co.*, 330 NLRB 397, 397-398 (1999) (sufficient local autonomy found where, among other things, local dispatchers scheduled employees and assignments, approved time off, addressed minor disciplinary problems, and training was conducted on a site-by-site basis).

In order to further buttress its argument that a two-facility unit is compelled, the Employer also contends that transfers have occurred between the Wilmington and Durham centers. In that regard, the record establishes that over the past five years, there have been five permanent transfers between Wilmington and Durham, with the most recent transfer occurring approximately three years ago. I find such a transfer rate to be insubstantial. Moreover, I note that a permanent transfer is the sort of discrete employee movement that would have the least effect on unit integrity. See *Red Lobster*, 300 NLRB 908, 911 (1990) (noting that permanent transfers are a less significant indication of actual interchange); *Bartlett Collins Co.*, 334 NLRB 484, 485 (2001) (noting that as transfers occurred over a period of years their significance diminished).

The Employer also asserts that the temporary sharing of employees that has occurred between Wilmington and Durham mandates a two-facility unit. With respect to that factor, the record establishes that between August 7, 2009, and June 4, 2010, there were seven occasions when one or more employees from the Employer's Durham location assisted Wilmington in blood collection, generally during large blood drives. On two other occasions, employees from the Employer's Charlotte location also assisted Wilmington.

Similarly, during the period, September 7, 2009, through August 20, 2010, there were five occasions when one or more employees from the Employer's Wilmington location assisted Durham. On one of those occasions, in addition to Wilmington employees, employees from the Employer's Charlotte location also assisted Durham, and on another occasion, employees from the Employer's Charlotte and Winston-Salem locations also assisted Durham. In view of the large numbers of blood drives conducted at each center, ⁶ I find that the rate of employee interchange is insignificant. I also note

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⁶ Based on the Employer's estimate at the hearing of an average of 22 blood drives per week at the Wilmington location, there are approximately 1144 blood drives conducted from the Wilmington center

that some of those interchanges involved employees other than those from Wilmington or Durham.

The Employer also contends that equipment is shared between Wilmington and Durham, but the record evidence on that point is limited. Thus, the record reflects that the Durham center has a loaner bus that is not regularly scheduled. If one of Wilmington's vehicles breaks down and is unavailable for a certain amount of time, Wilmington can request Durham's loaner bus for a period of days or weeks. The loaner bus comes equipped with certain supplies, but additional supplies would be added by Wilmington staff. The record also showed that Wilmington has requested a bus with a mobile unit assistant, rather than just the loaner bus. The record did not disclose how often either situation has occurred. Accordingly, I am not persuaded by that evidence.

I further note that the distance between the two centers provides additional support that a two-facility unit is not required. In that regard, although the record did not establish specific distances between the fixed sites, I take administrative notice that Wilmington is approximately 158 miles from Durham, 141 miles from Cary, and 133 miles from Raleigh. See *Courier Dispatch* Group, 311 NLRB 728 (1993) (geographic distances between employer's facilities militate against a multi-facility unit). Finally, I note that there is no history of collective bargaining and no union has sought to represent a more comprehensive unit.

C. Conclusion

In sum, although a two-facility unit as proposed by the Employer may be appropriate, I conclude that the Employer has not met its burden of establishing that the

each year. The exact number of blood drives at the Durham center is not known, although those figures are greater than those at Wilmington.

⁷Those figures are rounded off to the nearest mile, and were obtained from Mapquest.

petitioned-for single-facility location is inappropriate. Accordingly, I conclude that a unit comprised of only Wilmington employees is an appropriate unit.⁸

III. Hospital services inventory assistants are properly included in the unitA. Applicable Principles

The parties are in agreement with all inclusions and exclusions in the bargaining unit with the exception of the classification of hospital services inventory assistant. The Petitioner seeks to include this classification, whereas the Employer wishes to exclude this classification from the unit. As with the single-facility issue, the Board applies a community-of-interest test in deciding issues involving the composition of a bargaining unit. Thus, the Board examines such factors as "mutuality of interest in wages, hours, and other working conditions; commonality of supervision; degree of skill and common functions; frequency of contact and interchange with other employees; and functional integration." *Bartlett Collins Co.*, 334 NLRB 484, 484 (2001).

B. Analysis of community-of-interest criteria

As discussed below, I conclude that the hospital services inventory assistants have a sufficient community of interest with the included employees so that they may be appropriately included in the unit. In support of my conclusion, I will fully examine each community-of-interest criterion below. In addition, I note that no other union seeks to represent the disputed employees, and there appears to be no other unit in which they could appropriately be included given the close functional integration between the disputed employees and included employees.

⁸ I take administrative notice of my corrected Decision and Direction of Election (11-RC-6732) involving the same parties, which issued on June 25, 2010. There, I concluded that a single-facility unit consisting only of Charlotte employees was appropriate, rejecting the Employer's position that the only appropriate unit consisted of Charlotte, Asheville, and Winston-Salem employees.

1. Functional integration

The record shows that originally blood collection and hospital services were combined but those departments officially divided in September 2009. Prior to that time, the two employees who presently hold the positions of hospital services inventory assistants held the title of general operations technician, and their tasks included collecting blood on blood drives as well as distributing blood to hospitals.

Thereafter, beginning in September 2009, the position of hospital services inventory assistant was created. There are presently two hospital services inventory assistants at the Wilmington location. According to the job description for this position, employees in this classification "retrieve, prepare and pack blood products and related supplies for distribution to hospitals" Both employees are stationed at the Employer's fixed site in Wilmington in a designated area equipped with refrigerators, and they do not engage in blood collection. They also work as drivers on alternate days to deliver processed blood to hospitals.

As part of their duties, the two hospital services inventory assistants, along with their supervisor, are alternately on call for two-week periods in order to provide monitoring services. In that regard, the Employer has an alarm system to ensure that equipment such as blood bags and test tubes used by the collection employees, and the actual blood products, are at the proper temperature. During the daytime if the alarm goes off, the hospital services employees notify mobile unit supervisor John Caldwell. During evening hours, the on-call employee is required to come into the center, diagnose

⁹ The record reflects that this position did not exist anywhere else in the country, and it was eliminated so that jobs could be standardized.

the reasons for the alarm, and document the incident. Depending on the situation, the oncall employee might have to move the items to an alternative storage location.

By contrast, the blood collection employees collect blood at the fixed-donor site and mobile drives. As set forth below, I will briefly set forth the duties of each of the included classifications.

The main task of collection specialists and collection technicians is to collect blood. An assistant team supervisor can function as a staff person or oversee mobile employees on a fill-in basis. With respect to the mobile unit supply clerk, ¹⁰ the record reflects that an employee employed in that classification works a 9:00 to 5:00 schedule, and provides supplies and equipment to employees for blood drives. That classification does not go to blood drives unless supplies are running low or some item is forgotten, and does not draw, monitor, or transport the blood. Another included classification, mobile unit assistant, drives the vehicles to blood drives, monitors and processes blood, and takes health histories. Approximately 80% of a mobile unit assistant's time is spent driving and monitoring blood, and 20% is spent taking health histories. Mobile unit assistants carry the blood back to Wilmington and carefully pack it in boxes for transport by courier for further processing. Finally, the included classification of on-the-job instructor may perform all blood collection tasks, and the person in that classification takes health histories and performs phlebotomies in the process of training employees.

The Employer contends that hospital services inventory assistants perform a very different function compared to the unit classifications, as employees in that classification are involved in blood distribution rather than blood collection. Nevertheless, as pointed out by the Petitioner, there is clearly functional integration between the disputed

¹⁰ This position is presently vacant in Wilmington.

employees and unit classifications. Thus, the unit employees draw the blood, transport the blood, and send it off to be processed. Once the blood is processed, the hospital services inventory assistants monitor and distribute the blood to various hospitals. As further shown, as part of their duties, hospital services inventory assistants monitor the blood bags and test tubes used by collection employees to be sure that they are at the proper temperature.

2. Common supervision

As the Employer points out, and the Petitioner concedes in its brief, the record does not establish common supervision at the local level. The two hospital services inventory assistants are supervised by Connie Scott, who does not report to Carolyne Williams. Rather, Scott reports to Amanda Harsar, who is based in Charlotte. By contrast, collection employees first report to team supervisors, who report to collection supervisors, who in turn report to the collection manager. Mobile unit assistants are separately supervised by John Caldwell, the mobile unit supervisor. The record reflects that Caldwell is in the same line of authority as team supervisors, which ultimately reports to the collection manager. The record does suggest that the two hospital services inventory assistants have some interaction with mobile unit supervisor John Caldwell but not in his supervisory capacity.

3. Nature of employee skills and job functions

As shown above, although the employees in the disputed classifications were originally permitted to collect blood, they have not done so since the collection and distribution departments were separated, and the hospital services inventory position was

created. Thus, since that date they have not and cannot legally participate in blood drives or perform blood collection work at the fixed site.¹¹

The record establishes that the disputed classification does perform different work from the unit employees, and does not draw blood. However, in addition to the disputed classification, at least two of the unit classifications—mobile unit supply clerks and mobile unit assistants—do not draw blood. In addition, as the Petitioner contends, the disputed classification has skills and duties very similar to those of the mobile unit assistant classification. Thus, like the hospital services inventory assistants, the mobile unit assistant spends most of the time either driving or monitoring/processing blood.

Both hospitals services employees and mobile unit assistants must carefully pack blood and/or blood products in boxes for transport.

4. Contact and Interchange Among Employees

The record establishes that the two groups of employees have limited contact.

Both groups work out of the fixed-site location; however, as described above, both groups drive to other locations to accomplish their job duties. Thus, hospital services inventory assistants work out of the fixed-site location in Wilmington, but they also drive to various hospitals to distribute blood products. Similarly, collection employees also work out of the fixed site as blood collection occurs three days a week at that site, but they also conduct blood drives at a wide variety of other locations. Hospital services employees come into contact with the collection employees as they share a common computer, an ice machine and boxes to pack materials, and a common break room. Both groups of employees attend quarterly meetings in which the CEO is present, but hospital services inventory assistants do not attend monthly blood collection meetings.

¹¹ According to the Employer, FDA regulations prohibit blood collection without up-to-date training.

As the Employer contends, there is virtually no interchange between hospital services inventory assistants and the included classifications. In that regard, blood collection employees are required to have health history training, phlebotomy training, and blood processing training. By contrast, hospital services inventory assistants are not required to have such training and are not qualified to perform those tasks.

Consequently, hospital services employees do not perform blood collection work at the fixed site or on blood drives. The record also shows that no blood collection employee has substituted for a hospital services inventory assistant in the 11 months since that position has been created.

5. General working conditions and benefits

The record shows that there are both similarities and differences in working conditions between hospital services inventory assistants and the included classifications. In regard to their work schedules, the record reflects that, unlike the agreed-upon classifications, the two hospital services inventory assistants have regular daily schedules, starting work between 7:00 a.m. and 9:30 a.m., and completing their work between 2:30 p.m. and 6:00 p.m. They generally do not work weekends. As shown above, however, hospital services inventory assistants are on call.

By contrast, blood collection employees work varied schedules depending on the hours and locations of the blood drives. The record establishes that the collection employees' days can start as early as 6:30 a.m. and end as late as 9:30 p.m. In addition, collection employees also work on weekends to conduct blood drives.

The record further shows that all employees share the same time clock, are paid hourly, ¹² and are eligible for overtime. All employees enjoy the same benefits and share a break room. The hospital services inventory assistants wear street clothes when they work at the Employer's fixed-site location; when they are making deliveries, however, they wear the same uniform as the collection employees. As previously discussed, both groups of employees regularly work away from the fixed site, with the hospital services inventory assistants delivering processed blood products to various hospitals, and the collection employees conducting blood drives away from the fixed site.

C. Conclusion

On the basis of the above, I conclude that, although the disputed employees have different job functions, are separately supervised, and do not interchange with the included employees, they are functionally integrated with the unit employees, and also share similar skills and duties with some of the unit employees. Further, the disputed employees work out of the same site, share some working conditions, and have the same benefits as the included employees. Accordingly, I conclude that there is a sufficient community of interest such that the hospital services inventory assistants may properly be included in the unit. See, for example, *Publix Super Markets, Inc.*, 343 NLRB 1023, 1024-1028 (2004) (despite separate supervision, different functions, and limited work-related contact, unit employees do not have distinct community of interest separate from the excluded employees; Board concluded that functional integration, similar skills of

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¹² The record does not disclose the pay rates of the disputed or included employees, with the exception that a mobile unit assistant III is paid at the rate of \$13.62 an hour, and one of the hospital services inventory assistants makes \$18.50 an hour. The pay of the hospital services inventory assistants comes out of the hospital services budget rather than the collection budget.

disputed employees to those of some of the unit employees, similar working conditions, and some interchange warranted employees being included in unit).

Moreover, no other labor organization seeks to organize the hospital services inventory assistants, and I note that if they are not included in the unit, there appears to be no other unit in which they could be included, particularly given the functional integration between blood collection and blood distribution. The Board is generally reluctant to leave a residual unit when the employees could be included in a larger group. Indeed, by including the blood distribution employees with the blood collection employees, the unit is essentially comprised of all distribution and collection employees at the Wilmington location. ¹³ See *Huckleberry Youth Programs*, 326 NLRB 1272, 1272, 1274 (1998) (5 peer-health educators included in unit of 35 program employees as to do otherwise would create a residual unit which the Board prefers to avoid; Board noted that the disputed classifications were functionally integrated and that their inclusion would result in a presumptively appropriate overall unit); United Rentals, Inc., 341 NLRB 540, 542 & n. 11 (2004) (branch associate included in unit despite a "sparse" record concerning her terms and conditions of employment as otherwise she would be the only unrepresented employee at the facility).¹⁴

IV. CONCLUSIONS AND FINDINGS

Based on the entire record in this proceeding, I conclude and find as follows:

¹³ The record mentions other staff such as a donor development department, which has representatives who perform a site check to make sure that there is sufficient room to set up a blood mobile, as well as a logistics department. The record does not identify the classifications that are contained in those departments.

¹⁴ The Employer's reliance on other Regional Directors' decisions in which hospital services inventory employees were excluded from the unit, is misplaced. In those cases, the petitioners did not seek their inclusion, and, therefore, the standard is whether their community of interest with included employees was so strong that their inclusion was mandated, rather than merely sufficient, as here.

- 1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
- 2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this case.
- 3. The Petitioner claims to represent certain employees of the Employer.
- 4. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
- 5. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
- 6. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time collection specialists I and II, collection technicians, I, II, III, IV, and V, mobile unit assistants I, II, and II, mobile unit supply clerk, hospital services inventory assistants, on-the-job instructor, assistant team supervisors involved in blood collection and distribution operations at the Employer's Wilmington, North Carolina facility, but excluding nurses, administrative assistants I, II, and II, associate problem investigator, collection manager, collection operations supervisors, mobile unit supervisor, scheduler and scheduling supervisor, team supervisors, compliance manager, office clerical employees, and professional employees, guards and supervisors as defined by the Act.

V. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by Teamsters Local Union #391, affiliated with International Brotherhood of Teamsters. The date, time and

place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with

them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Regional Office on or before

September 24, 2010. No extension of time to file this list will be granted except in

extraordinary circumstances, nor will the filing of a request for review affect the

requirement to file this list. Failure to comply with this requirement will be grounds for

setting aside the election whenever proper objections are filed. The list may be submitted

to the Regional Office by electronic filing through the Agency website, www.nlrb.gov, ¹⁵

by mail, or by facsimile transmission at 336/631-5210. The burden of establishing the

timely filing and receipt of the list will continue to be placed on the sending party.

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¹⁵To file the eligibility list electronically, go to www.nlrb.gov and select the E-Gov tab. Then click on the E-Filing link on the menu. When the E-File page opens, go to the heading Regional, Subregional and Resident Offices and click on the "File Documents" button under that heading. A page then appears describing the E-Filing terms. At the bottom of this page, check the box next to the statement indicating that the user has read and accepts the E-Filing terms and click the "Accept" button. Then complete the filing form with information such as the case name and number, attach the document containing the eligibility list, and click the Submit Form button. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Board's web site, www.nlrb.gov.

Since the list will be made available to all parties to the election, please furnish a total of **three** copies of the list, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for at least 3 working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

VI. RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by **October 1, 2010**. The request may be filed electronically through E-Gov on the Board's web site,

www.nlrb.gov, 16 but may not be filed by facsimile.

Dated: September 17, 2010.

Willie L. Clark, Jr., Regional Director National Labor Relations Board

Region 11

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Then click on the **E-Filing** link on the menu. When the E-File page opens, go to the heading **Board/Office** of the **Executive Secretary** and click on the "File Documents" button under that heading. A page then appears describing the E-Filing terms. At the bottom of this page, check the box next to the statement indicating that the user has read and accepts the E-Filing terms and click the "Accept" button. Then complete the filing form with information such as the case name and number, attach the document containing the request for review, and click the Submit Form button. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Board's web site, www.nlrb.gov.